

U.S. PTO Customer No. 25280

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Case# 5720**APR 08 2008**REMARKS

Applicant has amended the independent claims to remove the word "about" from the phrase "from about 2.0 to about 25 parts by weight," in order to further distinguish the instant claims from the prior art. Specifically, Froehlich, the primary reference, teaches the inclusion of 30-90% of particulate polymeric urea formaldehyde in its carpet cleaning composition. Applicant now recites from 2 to 25 parts by weight of an absorbent particulate in the liquid cleaning composition of the instant invention.

3. 35 USC §112 Rejection:

4. Claims 1-10, 41-46, 49 and 50 were rejected under 35 USC Section 112, first paragraph, as failing to comply with the written description requirement. The Examiner believes that the claim language in claims 1, 41, 49 and 50 reciting "from about 2.0 to about 25" and the 0.1 to about 50 parts by weight of pH adjusters, biocides, etc. is considered new matter.

Applicant respectfully disagrees. With regard to the "from about 2.0 to about 25" parts by weight of at least one absorbent particulate, this limitation is taught by the instant application according to the following:

Example No.	Parts by Weight of Absorbent Particulate
5A	2.00
5B	10.00
5C	20.00
6A-6D	15.00
7A-7G	15.00
8A-8D	15.00
9A-9F	15.00
3E	25.8

Additionally, the continuous range of "less than about 50 parts by weight of an absorbent particulate" is taught in the specification on page 11, lines 19-21.

With regard to the 0.01 to about 50 parts by weight of pH adjusters, biocides, etc., this limitation is specifically taught in the specification on page 11 (line 24) to page 12 (line 2). Further support is provided by the Examples.

U.S. PTO Customer No. 25280

Case# 5720

Accordingly, Applicant respectfully submits that these limitations do not present new matter. Reconsideration and withdrawal of this rejection is thus earnestly requested.

5. 35 USC §103 (a) Rejections:

6. Claims 1 and 49 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman (USPN 4,493,781) and Scialla et al. (USPN 5,928,384).

Examiner's Arguments

The Examiner submits that Froehlich et al. teach methods of cleaning carpets where compositions comprising 30-90% particulate polymeric urea-formaldehyde having a particle size of 10-105 microns and a oil absorption value of no less than 90, and about 10-70% fluid, wherein the fluid is up to 100% water and the water contains sufficient surfactant to give a surface tension of less than 40 dynes per centimeter (col. 1, lines 40-52; col. 2, lines 40-50; col. 4, lines 1-4), and optionally dust suppressants (col. 3, lines 45-58) and up to about 1% of optical brightening agents and mildewcides (col. 7, lines 5-10) are applied to carpets. Froehlich et al. further teach methods of agitated into the carpet, dried and removed by vacuum cleaner (col. 5, lines 45-55).

The Examiner submits that Froehlich et al. does not teach clays as a component of the composition. The Examiner cites Chapman for a teaching of clays. The Examiner submits that Chapman is in the analogous art of carpet cleaning and teaches conventional powdered carpet cleaning compositions which include clays such as bentonite, kaolin and like as brightening agents (col. 5, lines 1-15).

The Examiner submits that Scialla et al. teach the functional equivalence of powdered and liquid carpet cleaning compositions (col. 8, lines 20-30).

Thus, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the compositions and methods of Froehlich et al. by encompassing the brightening clays taught by Chapman et al. because Chapman et al. teach these compounds as effective in brightening carpets in powdered carpet cleaning formulations. Furthermore, Froehlich et al. invited the inclusion of additives including brightening agents. It would have been obvious to modify the methods of Froehlich by using liquid formulations instead of powdered because Scialla et al. teach the functional equivalence of powders and liquids in

U.S. PTO Customer No. 25280

Case# 5720

cleaning carpets. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

Applicant's Arguments

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

The Examiner states that Chapman teaches clays for "brightening agents" and that Froehlich invite the inclusion of additives including brightening agents. Thus, the Examiner submits that it would have been obvious to modify the compositions and methods of Froehlich by incorporating the brightening clays taught by Chapman. Applicant respectfully disagrees. Nowhere in the instant application does Applicant ever recite the use of clay compounds as "brightening agents." Rather, clay compounds are included in the composition of the instant invention as dispersion stabilizing agents (see claim 1, part b, iii), which are included in an amount sufficient to produce a stable or easily redispersed dispersion. Nowhere in the instant application has Applicant even recited "brightening agents." Accordingly, Applicant respectfully submits that the Examiner's rejection of the claims based upon teachings of clay compounds as "brightening agents" is improper and misplaced. Applicant further believes that there is no reasonable expectation of success in making the Examiner's combination of Froehlich and Chapman, based on this reasoning.

The Examiner further includes Scialla (col. 8, lines 20-30) for a teaching of powdered and liquid carpet cleaning compositions, based on the assertion that powdered and liquid carpet cleaning compositions are functionally equivalent. Applicant respectfully submits that such an assertion is unfounded and improper. Scialla teach (col. 8, lines 20-30):

...has been rubbed or/and brushed, said composition is removed from said carpet, preferably by mechanical means including brushing out or/and vacuum cleaning.

The compositions for the cleaning of carpets according to the present invention may be applied to the carpet to be cleaned either in neat or diluted form, this applies to compositions being either liquid compositions or granular compositions or powdered

U.S. PTO Customer No. 25280

Case# 5720

compositions. By "diluted form" it is meant herein that the compositions for the cleaning of carpets as described herein before may be diluted by the user, preferably with water. Compositions...

Applicant respectfully questions how does this citation provides a teaching that powdered and liquid carpet cleaning compositions are functionally equivalent? Applicant respectfully submits that it does not. Rather, Scialla teaches methods for cleaning carpets using a composition that may be in liquid or granular form, said composition comprising organic chelators and soil suspending polycarboxylate or polyamine polymers (Abstract). Scialla further teach that if the composition contains a source of active oxygen, then the composition is provided in liquid form (col. 5, lines 23-42). Furthermore, Scialla teaches that these liquid compositions are "stable" and do not require pH adjusters. Applicant respectfully submits that this disclosure provides evidence that Scialla does not teach that solid and liquid cleaning compositions are functionally equivalent.

Accordingly, Applicant respectfully submits that Scialla does not provide a teaching that solid and liquid cleaning compositions are functionally equivalent. As such, Applicant respectfully submits that that there is no reasonable expectation of success in making the combination or modification proposed by the Examiner and arriving at the instantly claimed invention.

Furthermore, Applicant respectfully submits that the combination of Froehlich and Chapman teach powdered cleaning compositions (see Title; Abstract; Examples). Applicant respectfully submits that there is no teaching by the combination of Froehlich and Chapman of modifying these references, which teach the use of powdered cleaning compositions, to create a method for cleaning textiles substrates using liquid cleaning compositions as claimed by Applicant, even in light of the teachings of Scialla. Thus, Applicant respectfully submits that all of the claim limitations have not been considered, as required by MPEP 2143.

Furthermore, Applicant previously amended the independent claims to recite the presence of absorbent particulates in amounts ranging from 2.0 to 25 parts by weight and water in amounts greater than 75 parts by weight, as part of Applicant's liquid cleaning composition. Applicant respectfully asserts that these amounts are not taught or fairly suggested by the combination of references. Froehlich teaches urea formaldehyde in amounts ranging from 30-90% and fluids in amounts ranging from 10-70%. Applicant respectfully submits that Chapman and Scialla fail to provide for the deficiencies of Froehlich in this regard. Thus, Applicant respectfully submits that

U.S. PTO Customer No. 25280

Case# 5720

the combination of Froehlich, Chapman and Scialla fail to teach all the limitations of Applicant's claimed invention.

Accordingly, Applicant respectfully submits that the combination of Froehlich in view of Chapman and Scialla fails to provide a *prima facie* case of obviousness, since (a) there is no motivation or suggestion to combine the references, (b) there is no reasonable expectation of success, even if the combination is made, and (c) all claim limitations have not been considered, as required by MPEP 2143. Reconsideration and withdrawal of this rejection is earnestly and respectfully requested.

7. Claims 2, 8, 9 and 10 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) and Scialla et al. (USPN 5,928,384), as applied to the claims above, and further in view of Roberts et al. (USPN 6,125,498).

The Examiner relies on Chapman and Scialla as set forth above. The Examiner submits Froehlich, Chapman and Scialla do not teach carpet cleaning machines which are battery operated and relies on Roberts for such a teaching. More specifically, the Examiner submits that Roberts et al., in the analogous art of carpet and upholstery cleaning (col. 4, lines 33-35 and col. 9, lines 63-67), teach handheld carpet and upholstery cleaning machines which are battery operated (col. 3, lines 29-33), wherein the liquid cleaner is dispensed from a spray nozzle and applied by a squeegee or brush (col. 2, lines 1-6 and 33-50).

Thus, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Froehlich, Chapman and Scialla by adding the carpet/upholstery cleaning machine taught by Roberts because Roberts teaches the improved carpet cleaning benefits provided by hand held cleaning machines. One of ordinary skill in the art would have been motivated to combine the teaching of the references absent unexpected results.

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations

U.S. PTO Customer No. 25280

Case# 5720

must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

Applicant relies on the discussion presented above with regard to the deficiencies of Froehlich et al., Chapman et al., and Scialla et al. Applicant further submits that Roberts et al. fail to provide for these deficiencies in that Roberts et al. fail to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes from 2 to 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicant respectfully submits that the combination of references fails to teach the limitations recited by independent claim 1. Since the rejected claims each depend either directly or indirectly from independent claim 1, Applicant respectfully submits that the obviousness rejection of claims 2, 8, 9 and 10 is improper and should not be maintained. Reconsideration and reversal of this rejection is respectfully requested.

8. Claims 3-6 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) and Scialla et al. (USPN 5,928,384), as applied to the claims above, and further in view of shoplet.com (<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec0074/index.html>).

The Examiner relies upon Froehlich et al., Chapman et al. and Scialla et al. as set forth above. The Examiner submits that Froehlich et al., Chapman et al., and Scialla et al. do not teach one gallon containers with removable caps and synthetic applicators with tips for dispensing the compositions. However, the Examiner contends that shoplet.com teaches that carpet cleaners currently on the market, such as Resolve® Spot Magic®, are conventionally sold in aerosol cans with detachable caps, nozzles with openings, and canisters with a volume of less than 1 gallon (in this case 14 oz.). Thus, the Examiner submits that it would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al., Chapman et al., and Scialla et al. into the canisters demonstrated by shoplet.com for dispensing since this is conventionally known in the art to be an effective method for packaging and dispensing of the composition onto carpets. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

U.S. PTO Customer No. 25280

Case# 5720

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

Applicant relies on the discussion presented above with regard to the deficiencies of Froehlich et al., Chapman et al. and Scialla et al. Applicant further submits that shoplet.com fail to provide for these deficiencies in that shoplet.com fails to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, Applicant respectfully asserts that the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes from 2 to 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicant respectfully submits that the combination of references fails to teach the limitations recited by independent claim 1. Since the rejected claims each depend either directly or indirectly from independent claim 1, Applicant respectfully submits that the obviousness rejection of claims 3 – 6 is improper and should not be maintained. Reconsideration and reversal of this rejection is respectfully requested.

9. Claims 7, 41-46 and 50 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) and Scialla et al. (USPN 5, 928,384), as applied to the claims above, and further in view of shoplet.com (<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec0074/index.html>) as applied to the claims above, and further in view of Hoxie (USPN 3,184,781).

The Examiner relies on Froehlich et al., Chapman et al., Scialla et al. and shoplet.com as set forth above. The Examiner submits that this combination fails to teach foam or bristle scrubbing mechanisms. Thus, the Examiner relies upon Hoxie, in the analogous art of upholstery shampooers (col. 2, lines 7-9) for a teaching of attachable heads for aerosol cans (col. 1, lines 23-25) which have bristles and sponge foams (col. 3, lines 6-73). Thus, the Examiner submits that it would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al., Chapman et al., and Scialla et al. into the canisters demonstrated by

U.S. PTO Customer No. 25280

Case# 5720

shoplet.com for dispensing with the caps taught by Hoxie et al. for scrubbing since this is conventionally known in the art to be an effective method for packaging, dispensing and utilizing the composition to provide maximal cleaning benefits to carpets and upholstery. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

Applicant relies on the discussion presented above with regard to the deficiencies of Froehlich et al., Chapman et al., Scialla et al., and shoplet.com. Applicant further submits that Hoxie et al. fail to provide for these deficiencies in that Hoxie et al. fail to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, Applicant respectfully asserts that the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes from 2 to 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicant respectfully submits that the combination of references fails to teach the limitations recited by independent claims 1, 41 and 50. Since the other rejected claims each depend either directly or indirectly from independent claims 1 and 41, Applicant respectfully submits that the obviousness rejection of claims 7, 41-46 and 50 is improper and should not be maintained. Reconsideration and reversal of this rejection is respectfully requested.

U.S. PTO Customer No. 25280

Case# 5720

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For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance.

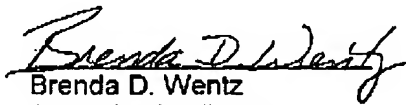
Should any issues remain after consideration of these Amendments and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully requested,

April 8, 2008

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